

**WESTERN DIVISION**  
**No. 5:17-CR-210-D**  
**No. 5:20-CV-428-D**

## ORDER

On August 4, 2020, Stanley Jamar Ragin (“Ragin” or “petitioner”) moved pro se under 28 U.S.C. § 2255 to vacate, set aside, or correct his 96-month sentence [D.E. 85]. On September 24, 2021, the government moved for summary judgment [D.E. 95] and filed a memorandum in support, statement of material facts, and exhibits [D.E. 96, 96-1, 97, 97-1]. On December 14, 2021, Ragin responded in opposition [D.E. 115]. On October 5, 2021, Ragin moved pro se for compassionate release under the First Step Act (“First Step Act”), Pub. L. No. 115-391, § 603(b), 132 Stat. 5194, 5238–41 (2018) (codified as amended at 18 U.S.C. § 3582) [D.E. 99]. The court appointed counsel to assist Ragin with filing a memorandum in support of his motion for compassionate release [D.E. 100], and on November 23, 2021, Ragin, through counsel, filed a memorandum in support and exhibits [D.E. 106, 109]. On December 7, 2021, the government responded in opposition [D.E. 111, 112]. On December 13, 2021, Ragin, through counsel, replied [D.E. 114]. On December 14, 2021, Ragin filed an additional pro se motion to reduce his sentence [D.E. 119]. On March 28, 2022, the government responded in opposition [D.E. 120].

On May 4, 2022, the court denied the government's motion for summary judgment, denied Ragin's motion for compassionate release, denied Ragin's motion for a sentence reduction, and referred Ragin's motion under section 2255 based on alleged ineffective assistance of counsel to Magistrate Judge Jones for a hearing and memorandum and recommendation. See [D.E. 121].

Essentially, in his section 2255 motion, Ragin contends that his retained failed to file a notice of appeal when Ragin instructed her to do so. See [D.E. 122] 3–6. On August 24, 2022, Judge Jones held an evidentiary hearing and heard testimony from Ragin and his former attorney. See [D.E. 133]; Tr. [D.E. 134]. On October 4, 2022, Judge Jones issued a comprehensive Memorandum & Recommendation (“M&R”) [D.E. 135]. In the M&R, Judge Jones recommended that the court deny Ragin's ineffective assistance of counsel claim because Ragin failed to prove his claim. See id. at 12–14. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).


The court has reviewed the entire record, including the M&R, the transcripts, and the briefs. The court is satisfied that there is no clear error on the face of the record, the court agrees with the analysis in the M&R, and the court adopts the M&R [D.E. 135]. See Diamond, 416 F.3d at 315.

After reviewing the claim presented in Ragin's motion, the court finds that reasonable jurists would not find the court's treatment of Ragin's claim debatable or wrong and that the claim does not deserve encouragement to proceed any further. Accordingly, the court denies a certificate of

appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

In sum, the court ADOPTS the findings and conclusions in the M&R [D.E. 135], DISMISSES petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 [D.E. 85], ENTERS judgment for respondent, and DENIES a certificate of appealability. See 28 U.S.C. § 2253(c). The clerk shall close the case.

SO ORDERED. This 15 day of December, 2022.

  
\_\_\_\_\_  
JAMES C. DEVER III  
United States District Judge